

Serial No.: 09/702,380
Attorney Docket No.: 10992667-1

REMARKS

The above-identified Office Action dated January 19, 2004, contained a final rejection of claims 1-19. Amendments have been made to claims 1 and 11. The foregoing amendments to the claims and the remarks below are intended to place the case in condition for allowance, or alternately in better form for consideration on appeal under 37 CFR 1.116. Therefore, it is respectfully requested that the amendments to claim 1 be entered despite the finality of the present rejection.

The Office Action rejected claims 1, 6 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Oshikoshi (U.S. Patent No. 4,769,694) in view of Lenz (U.S. Patent No. 6,512,594). The Office Action rejected claims 2-5, 7-10 and 12-18 under 35 U.S.C. § 103(a) as being unpatentable over Oshikoshi in view of Lenz, as applied to claims 1 and 11 and further in view of Akada (U.S. Patent No. 6,392,680).

The Applicants respectfully traverse these rejections and submit that the combined cited references do not disclose, teach, or suggest all of the features of the claimed invention. Specifically, the combined references are missing the Applicants' translating and transposing the input images into reverse images and a photo quality inkjet printhead for printing the ID card, which is supported by page 2 and page 6, lines 27-31 of the original specification. Instead, the combined references disclose using dye diffusion thermal transfer (D2T2) technology, as evidenced by the statement in Lenz et al. that "[P]rinting mechanism 24 is configured to use a reverse image printing technique in which a print head 40 transfers a reverse image onto a web 42 using dye from a ribbon 44." The D2T2 ribbon printer used in Lenz et al. is a typical ribbon ID printer, which is not capable of producing high quality photo images like the Applicants' claimed photo quality inkjet printhead.

In addition, even though Lenz et al. state on col. 2, lines 53-54 "[O]ther aspects include use with direct card printing and ink jet techniques", as argued by the Examiner, Lenz's sole disclosure of the phrase "ink jet techniques" cannot be taken out of context by the Examiner. For example, the above statement was disclosed in the same context and paragraph that contained a discussion of standard ID card printers that use poor photo quality ribbon ink printing techniques, which is very different from the Applicant's claimed

photo quality inkjet printhead, as argued above.

In particular, Lenz explicitly refers to typical ink printing techniques, and continues on col. 2, lines 54-57 to state "[R]ibbon 44 moves between reels 46 and its position is sensed by controller 12 using a sensor 48. Web 42 moves between reels 50 onto the control of controller 48 which senses the position of web 50 using sensors 52." As such, since the reference to "ink jet techniques" in Lenz is unclear and appears to be made in passing, it cannot be interpreted too broadly and must be kept within the context that it is disclosed within, which is non-photo quality printers. This is because the dye ribbon printer in Lenz et al. does not produce photo quality ID cards, like the Applicants' claimed invention. In re Wesslau, 353 F.2d 238, 147 USPQ 391 (CCPA 1965). The Examiner is reminded that hindsight cannot be used to take the disclosure of a single phrase out of context and assume the presence of the Applicants' claimed photo quality inkjet printhead. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

Accordingly, the combined cited references cannot render the Applicants' invention obvious. This failure of the cited references to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness (MPEP 2143).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

As the foregoing amendments to the claims do not raise new issues, it is the Applicant's position that they are entitled to have the changes entered to place this case in condition for allowance, or alternately, in better condition for consideration on appeal under 37 CFR 1.116. It is, therefore, respectfully requested that the changes to the claims be entered despite the finality of the present rejection.

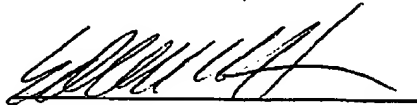
Thus, it is respectfully requested that the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the

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Applicants kindly request the Examiner to telephone the Applicants' attorney at **(818) 885-1575**. Please note that all mail correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
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Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicant